IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL MISC. APPEAL No. 24 of 2005

SMT. BANO & ORS.
V/S
RAJ KUMAR SHRIPATI VERMA & ORS.

Mr. SK SANKHLA, for the appellant / petitioner

Date of Order : 10.1.2005

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellants.

It is contended by learned counsel for the appellants that the amount awarded is inadequate, as the deceased was working as Khalasi, and was also taking care of live stock (sheep & goats) being transported in the truck, wherefrom he was earning separately. Likewise, it is also contended by learned counsel that the multiplier employed by the learned Tribunal is inadequate.

I have considered the submissions, and find that the evidence as led, clearly shows, that it is a serious attempt to exaggerate the income of the deceased, inasmuch as, the widow of deceased has claimed that deceased was earning Rs. 4,000/- per month as Khalasi, and then was getting Rs. 5,000/- every month for taking care of live stock. On the other hand, PW-3 Yusuf, employer has said that he was paying Rs. 2200/- per month as salary apart from lodging, and was getting Rs.1200/- per trip for taking care off live stock. Suffice it to say that according to claimant, live stock was being transported from this part of State to other area being Mumbai and Hyderabad, and other areas. It is just beyond comprehension, that one person would be doing all the jobs of Khalasi, and looking after the live stock being transported in the truck. Traveling such a long distance, obviously does take time spread over number of days, during which period live stock needs all routine care like cleaning, food etc. apart from other emergency cares. It is commonly seen, that generally couple of persons

do the job of taking care of the live stock in such long transit. In these circumstances, income assessed by learned Tribunal as Rs. 3000/- per month, cannot be said to be inadequate. Then so far as selection of multiplier is concerned, multiplier provided in the Schedule under Sec. 163-A only provides guiding factor, and has no mathematical application to the claims under Sec. 166 of the Act. It is further established law, that interference in the appeal in quantum of compensation, is to be made only when the assessment is shockingly low or shockingly high.

That being the position, I do not find any force in the appeal, and same is, therefore, dismissed summarily.

(N P GUPTA),J.

/Srawat/